

### REMARKS

Applicant respectfully requests reconsideration of the present application in view of the foregoing amendments and in view of the reasons that follow.

Claim 1 is currently being amended. Claims 1-13 are pending. A detailed listing of all claims that are, or were, in the application, irrespective of whether the claim(s) remain under examination in the application, is presented, with an appropriate defined status identifier.

Applicants appreciate the indication of allowable subject matter in claims 5-8.

In the Office Action, claims 1 and 10-12 were rejected under 35 U.S.C. § 102(b) as being anticipated by Baker (U.S. Patent No. 4,356,006). Claim 1, as amended, recites that a fuel cell comprises an exhaust gas circulation passage which circulates part of an exhaust gas from the fuel cell back to the fuel cell, a vaporizer arranged in the exhaust gas circulation passage, and a fuel injection mechanism which injects liquid fuel into the circulated exhaust gas in the vaporizer, the vaporizer vaporizing the injected fuel.

As shown in Fig. 1, Baker discloses that cathode exhaust gas coupled to conduit 14 is combined with hydrocarbon fuel by first vaporizing the fuel in vaporizer 16 and then utilizing the vaporized fuel to promote injection of the exhausted gas from the conduit 14 into the vaporized fuel (col. 3, lines 8-14). The vaporized fuel is introduced into the central bore 17a of a venturi nozzle 17 whose jet port communicates with the conduit 14 (col. 3, lines 14-17). Instead of a venturi nozzle, the vaporized fuel and the exhausted gas can be separately introduced into the partial oxidizing unit (col. 3, lines 23-25).

In contrast to claim 1, Baker fails to disclose or suggest a vaporizer arranged in the exhaust gas circulation passage and a fuel injection mechanism which injects liquid fuel into the circulated exhaust gas in the vaporizer. Rather, as discussed above and shown clearly in Figure 1, Baker discloses that the vaporizer 16 is provided outside of the conduit 14 which corresponds to the exhaust gas circulation passage of the present invention and is therefore not arranged in the exhaust gas circulation passage. In addition, Baker explicitly discloses that the fuel is vaporized by the vaporizer 16 before it is injected into the exhausted gas from

the conduit 14 and therefore liquid fuel is not injected into the circulated exhaust gas as recited in claim 1. Accordingly, claim 1 is patentably distinguishable from Baker. Claims 10-12 are patentably distinguishable from Baker by virtue of their dependence from claim 1, as well as their additional recitations.

Claims 2-4 and 9 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Baker in view of Okamoto (U.S. Patent No. 6,045,933). Like Baker, Okamoto fails to disclose or suggest a vaporizer arranged in the exhaust gas circulation passage and a fuel injection mechanism which injects liquid fuel into the circulated exhaust gas in the vaporizer as recited in claim 1. Accordingly, even if combinable, claims 2-4 and 9 are patentably distinguishable from the combination of Baker and Okamoto by virtue of their dependence from claim 1, as well as their additional recitations.

Lastly, claim 13 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Baker in view of Hsu (U.S. Patent No. 5,747,185). Like Baker, Hsu fails to disclose or suggest a vaporizer arranged in the exhaust gas circulation passage and a fuel injection mechanism which injects liquid fuel into the circulated exhaust gas in the vaporizer as recited in claim 1. Accordingly, even if combinable, claim 13 is patentably distinguishable from the combination of Baker and Hsu by virtue of its dependence from claim 1, as well as its additional recitations.

Applicant believes that the present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of

papers submitted herewith, Applicant hereby petitions for such extension under 37 C.F.R.  
§1.136 and authorizes payment of any such extensions fees to Deposit Account No. 19-0741.

Respectfully submitted,

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